GOVERNMENT OF MYSORE

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR)

Labour Disputes.—Industrial Dispute between the Workmen and the Management of Wattigenahalli Estate, Mudigere Post.

Award of the Industrial Tribunal, Bangalore—published.

Read the following papers :

(i) Letter No. IT 2581-3/66-67, dated 21st February 1967, from Shri A. Panchaksbariah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 20th February 1967.

Present.

Sri A. Panchaksharaiah, B.A.(Hons) LL.B., ... Presiding Officer.

I. D. No. 59 of 1966.

Workmen of Wattigenahalli Estate, Mudigere Post, Chickmagalur District
I Party.

Vs.

Management of Wattigenahalli Estate, Mudigere Post, Chikmagalur District
II Party.

Appearances.

For I Party:—Sri M. V. Bhaskar, Vice-President, Karnataka Provincial Plantation Workers' Union. Chickmagalur.

For II Party:—None appeared.

Reference

G. O. No. LMA 87 LLD 66, Bangalore, dated 21/29th March 1966.

AWARD.

In their Order No. LMA 87 LLD 66, dated 29th March 1966, the Government of Mysore have referred under Sec. 10 (1) (d) of the Industrial Disputes Act, 1947, the points of dispute existing between the workmen and management of Wattigenahalli Estate, Mudigere Post, Chickmagalur District, for adjudication by this Tribunal. The Dispute is in relation to the claim of the workmen for bonus at the rate of 50 per centof the net profit subject to a minimum of one month's wages irrespective of the profit or loss for the year1962-63. This Reference was registered as I. D No. 59 of 1966 and notices were taken out to the I Party to file its claim statement. The I Party is represented by the Vice-President, Karanataka Provincial Plantation Workers' Union, Chickmagalur. It is al eged by the I Party that during the year 1962 63 the II Party has made good profit and is in a position to pay bonus at not less than 50 per cent of the net profit and that therefore bonus claimed at 50 per cent of the net profit or in the alternative at the rate of one month's wages for the year 1962-63. The I party filed its claim statement on 6th May 1966. The II Party addressed a letter to the Tribunal on 30th May 1966 stating that a Rejoinder has been sent to the tribunal, but actually no such Rejoinder has been sent to the tribunal. However, on the basis of this letter itself the I party was asked to file a Reply, and the case was taken up at my Chickmagalur Camp on 10th October 1966. On 10th October 1966. Sri M. V. Bhaskar representing the I Party workmen was present and the II Party was not present. Therefore the case was taken up on the next day *i e.*., on 11th October 1966. It was observed on that day that a copy of the counter statement was not given by the II Party to the I Party and in fact no counter statement was filed. The II Party was notified to file a counter statement and to furnish a copy to the I Party and that otherwise the II Party would be treated *ex-parte*. The case was finally taken up on 13th February 1967 at my Chickmagalur Camp when both the parties were absent and the counter statement was not filed by the II Party. The II Party is therefore placed *ex parte*. So far as the I Party is concerned, even the I Party was not present on 13th February 1967 and therefore there is no evidence on behalf of the I Party to prove the net profit of the II Party for the year 1962-63. Since the claim of the I Party has not been refuted by the II party, I am of the opinion that the I party workmen are each entitled to a minimum bouns of Rs. 40 irrespective of the profit earned or loss sustained by the II party, for the year 1962-63.

2. Accordingly I make an award holding that the I party workmen are each entitled to get the minimum bouns of Rs. 40 from the II party management for the year 1962-63. In the circumstances of the case, each party will bear its own costs.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal.

ORDER.

Bangalore, dated 28th February 1967.

S. O. 695.—WHEREAS by State Government Order No. PLM 87 LLD 67, dated 29th March 1966, the Industrial Dispute between the Workmen and the Management of Wattigenahalli Estate, Mudigere Post, was referred to the Industrial Tribunal, Bangalore for adjudication;

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 87 LLD 66.]

By Order and in the name of the Governor of Mysore,

2023 G. G. PUROHIT, *Under Secy.*